

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*The County of Cuyahoga, Ohio, et al. v.  
Purdue Pharma L.P., et al.,  
Case No. 17-op-45004*

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**CVS INDIANA, L.L.C.'S, CVS RX SERVICES, INC.'S, CVS PHARMACY, INC.'S, AND  
OHIO CVS STORES, L.L.C.'S ANSWER AND AFFIRMATIVE DEFENSES TO  
PLAINTIFF'S AMENDMENT BY INTERLINEATION**

Defendants CVS Indiana, L.L.C., CVS Rx Services, Inc., CVS Pharmacy, Inc. and Ohio CVS Stores, L.L.C. (collectively, "CVS") hereby answer Plaintiff Cuyahoga County's Amendment by Interlineation ("Amendment") (Dkt. No. 2944).<sup>1</sup>

**PRELIMINARY STATEMENT**

The following matters are incorporated by reference into CVS's responses to each paragraph of the Amendment:

A. This Answer responds only to the Amendment by Interlineation to the Third Amended Complaint (Dkt. No. 2943) filed in *Cuyahoga, Ohio v. Purdue Pharma L.P.*, No. 17-OP-45004 (N.D. Ohio), and does not respond to the Amendment by Interlineation to the Third Amended Complaint filed in *County of Summit, Ohio v. Purdue Pharma L.P.*, No. 18-OP-45090 (N.D. Ohio). To date, neither the Court nor Special Master Cohen has ordered CVS, or any Defendant, to answer the Third Amended Complaint filed by Cuyahoga County or any of the prior complaints filed by Cuyahoga County. On December 13, 2019, Special Master Cohen

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<sup>1</sup> Citations to the docket in this Answer are to the MDL docket, 17-md-2804.

stated that the Track One-B Defendants “need only file answers to the Amendments-by-Interlineation.” Special Master Cohen confirmed on December 21, 2019 that “the Answers Defendants are required to file . . . should be responsive only to the paragraphs in the Amendments by Interlineation . . . and not the full Complaints.” Consequently, this Answer responds only to the Amendments by Interlineation as filed by Cuyahoga County (Dkt. No. 2944) and not to the remaining allegations set forth in Cuyahoga County’s Third Amended Complaint. CVS reserves the right to answer the remaining allegations set forth in Cuyahoga County’s Third Amended Complaint at any time or as ordered by the Court. CVS files this Answer to comply with the directives of the Court and the Special Master and without prejudice to the Motion to Dismiss previously filed at Dkt. No. 3036.

B. Where allegations are made against “Defendants” as a group, however described, CVS’s responses apply only to CVS.

C. Most of the allegations in the Amendment are not directed at CVS and, therefore, do not require a response by CVS. The responses below are subject to that limitation, whether expressly stated or not.

D. The Amendment contains purported references to documents and third-party publications and statements that have been excerpted, paraphrased, characterized, and otherwise taken out of context. These documents and third-party publications and statements should be considered, if at all, in context and in unmodified form, and CVS respectfully refers the Court to the referenced materials for their complete contents.

E. Except as otherwise stated herein, CVS denies each and every allegation contained in the Amendment, including any allegations contained in the preamble, unnumbered paragraphs, numbered paragraphs, titles, headings, subheadings, table of contents, and footnotes,

and denies any liability to Plaintiff. To the extent not expressly denied, all allegations for which CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations also are denied.

F. CVS reserves the right to seek to amend and supplement this Answer.

### **INTRODUCTORY PARAGRAPH**

The allegations in the introductory paragraph of the Amendment by Interlineation are vague, including the reference to “10mg equivalent pills.” CVS therefore lacks knowledge sufficient to form a belief about the truth or falsity of the allegations and therefore denies them. To the extent Plaintiff purports to characterize ARCOS data produced by DEA, the data speaks for itself.

### **PARTIES**

1. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 1. To the extent any further response is required, CVS denies the allegations.

2. CVS denies the allegations in paragraph 2 except to admit that CVS Indiana, L.L.C. is an Indiana corporation with its principal place of business in Rhode Island; CVS Rx Services, Inc. is a New York corporation with its principal place of business in Rhode Island; CVS Pharmacy, Inc. is a Rhode Island corporation with its principal place of business in Rhode Island and is a subsidiary of CVS Health Corporation; Ohio CVS Stores, L.L.C. is an Ohio corporation with its principal place of business in Rhode Island; and CVS Pharmacy, Inc. directly or indirectly owns CVS distribution centers that are licensed with DEA to distribute Schedule III, IV, and V controlled substances and directly or indirectly owns CVS Pharmacy

retail pharmacy stores in Ohio that are licensed with DEA to dispense Schedule II, III, IV, and V controlled substances.

3. CVS denies the allegations in Paragraph 3 except to admit that distribution centers directly or indirectly owned by CVS Pharmacy, Inc., CVS Indiana, L.L.C., and CVS Rx Services, Inc. are licensed with DEA to distribute Schedule III, IV, and V controlled substances; CVS Pharmacy retail stores owned by Ohio CVS Stores, L.L.C. are licensed with DEA to dispense controlled substances; distribution centers owned by CVS Indiana, L.L.C. and CVS Rx Services, Inc. have distributed Schedule III, IV, and V controlled substances into Ohio; and CVS Pharmacy retail stores owned by Ohio CVS Stores, L.L.C. have dispensed Schedule II, III, IV, and V controlled substances in Ohio.

4. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 4. To the extent any further response is required, CVS denies the allegations.

5. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 5. To the extent any further response is required, CVS denies the allegations.

6. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 6. To the extent any further response is required, CVS denies the allegations.

7. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 7. To the extent any further response is required, CVS denies the allegations

8. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 8. To the extent any further response is required, CVS denies the allegations.

9. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9. To the extent any further response is required, CVS denies the allegations.

10. Paragraph 10 purports to define the term “National Retail Pharmacies” and “Distributor Defendants,” and no response is required. To the extent any further response is required, CVS denies the allegations.

#### **FACTUAL ALLEGATIONS**

1. The allegations in paragraph 1 state legal conclusions and argument to which no response is required. To the extent any further response is required, CVS denies the allegations.

2. The allegations in paragraph 2 state legal conclusions and argument to which no response is required. To the extent any further response is required, CVS denies the allegations.

3. The allegations in paragraph 3 state legal conclusions and argument to which no response is required, and CVS respectfully refers the Court to the cited statutes or regulations for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

4. CVS admits that certain CVS distributions centers are licensed with the DEA to distribute Schedule III, IV, and V controlled substances, and that CVS Pharmacy retail stores are licensed with the DEA to dispense Schedule II, III, IV, and V controlled substances. CVS lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in the first sentence of paragraph 4 and, on that basis, denies those allegations. The remaining

allegations in paragraph 4 state legal conclusions and argument to which no response is required, and CVS respectfully refers the Court to the cited statutes and regulations for their true and correct contents. To the extent any further response to those allegations is required, CVS denies the allegations.

5. The allegations in paragraph 5 state legal conclusions and argument to which no response is required. To the extent any further response is required, CVS denies the allegations.

6. The allegations in paragraph 6 state legal conclusions and argument to which no response is required, and CVS respectfully refers the Court to the cited case law and administrative decisions for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

7. The allegations in paragraph 7 state legal conclusions and argument to which no response is required. To the extent any further response is required, CVS denies the allegations.

8. CVS admits that it is aware of the Controlled Substances Act and the regulations promulgated thereunder. CVS lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in the first sentence of paragraph 8 and, on that basis, denies those allegations. The remaining allegations in paragraph 8 state legal conclusions and argument to which no response is required, and CVS respectfully refers the Court to the cited regulations and case law for their true and correct contents. To the extent any further response to those allegations is required, CVS denies the allegations.

9. CVS denies the allegations in paragraph 9 insofar as alleged against it except to admit that certain CVS entities possessed or had access to certain data concerning CVS Pharmacy retail stores' dispensing of controlled substances. CVS otherwise lacks knowledge or

information sufficient to form a belief about the truth of the allegations in paragraph 9. To the extent any further response is required, CVS denies the allegations.

10. The allegations in paragraph 10 state legal conclusions and argument to which no response is required, and CVS respectfully refers the Court to the cited case law and administrative decisions for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

11. The allegations in paragraph 11 state legal conclusions and argument to which no response is required. To the extent any further response is required, CVS denies the allegations.

12. CVS denies the allegations in paragraph 12 insofar as alleged against it except to admit that certain CVS entities possessed or had access to certain data concerning CVS Pharmacy retail stores' dispensing of controlled substances. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 12. To the extent any further response is required, CVS denies the allegations.

13. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 13 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

14. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 14 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

15. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 15 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

16. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 16 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

17. The allegations in paragraph 17 state legal conclusions and argument to which no response is required. To the extent any further response is required, CVS denies the allegations.

18. CVS denies the allegations in paragraph 18 insofar as alleged against it except to admit that certain CVS entities possessed or had access to certain data concerning CVS Pharmacy retail stores' dispensing of controlled substances and to aver that the complete public statements made by CVS speak for themselves and are the best evidence of their content. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 18. To the extent any further response is required, CVS denies the allegations.

19. The allegations in paragraph 19 state legal conclusions and argument to which no response is required. To the extent any further response is required, CVS denies the allegations.

20. CVS denies the allegations in paragraph 20 insofar as alleged against it except to admit that certain CVS entities possessed or had access to certain data concerning CVS Pharmacy retail stores' dispensing of controlled substances. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 20. To the extent any further response is required, CVS denies the allegations.

21. CVS denies the allegations in paragraph 21 except to aver that the cited document speaks for itself.

22. CVS denies the allegations in paragraph 22 insofar as alleged against it except to admit that certain CVS entities possessed or had access to certain data concerning CVS



Pharmacy retail stores' dispensing of controlled substances. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 22. To the extent any further response is required, CVS denies the allegations.

23. The allegations in paragraph 23 state legal conclusions and argument to which no response is required. To the extent any further response is required, CVS denies the allegations.

24. CVS denies the allegations in paragraph 24 except to admit that there are currently more than 9,900 CVS Pharmacy retail stores in the United States and that those CVS Pharmacy retail stores dispense Schedule II, III, IV, and V controlled substances.

25. CVS denies the allegations in paragraph 25 except to admit that, through September 2014, CVS Pharmacy retail stores were supplied with Schedule III hydrocodone combination products by CVS distribution centers and by outside vendors, and were supplied with Schedule II prescription opioids by outside vendors.

26. CVS denies the allegations in paragraph 26 except to admit that a system was put in place to monitor for suspicious orders of controlled substances that CVS Pharmacy retail stores placed with CVS distribution centers.

27. CVS denies the allegations in paragraph 27.

28. CVS denies the allegations in paragraph 28 except to aver that the cited document speaks for itself.

29. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 29. CVS further states that the cited URL does not exist. To the extent any further response is required, CVS denies the allegations.

30. CVS denies the allegations in paragraph 30 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information

sufficient to form a belief about the truth of the allegations in paragraph 30. To the extent any further response is required, CVS denies the allegations.

31. CVS denies the allegations in paragraph 31 except to aver that the ARCOS data produced by the DEA speaks for itself.

32. CVS denies the allegations in paragraph 32.

33. CVS denies the allegations in paragraph 33.

34. CVS denies the allegations in paragraph 34.

35. CVS denies the allegations in paragraph 35.

36. CVS denies the allegations in paragraph 36 except to aver that the cited document speaks for itself.

37. CVS denies the allegations in paragraph 37.

38. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 38. To the extent any further response is required, CVS denies the allegations.

39. CVS denies the allegations in paragraph 39 except to aver that the ARCOS data produced by DEA speaks for itself.

40. CVS denies the allegations in paragraph 40 except to aver that records maintained by the Ohio Board of Pharmacy speak for themselves.

41. CVS denies the allegations in paragraph 41 except to aver that it is CVS policy to comply with all applicable laws and that the complete public statements made by CVS speak for themselves and are the best evidence of their content.

42. CVS denies the allegations in paragraph 42 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the District of Rhode

Island in March 2019 and to aver that the settlement agreement and cited press release speak for themselves.

43. CVS denies the allegations in paragraph 43 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the Northern District of Alabama in August 2018 and to aver that the settlement agreement speaks for itself.

44. CVS denies the allegations in paragraph 44 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the Eastern District of New York in June 2018 and to aver that the settlement agreement speaks for itself.

45. CVS denies the allegations in paragraph 45 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the Western District of Oklahoma in April 2013 and to aver that the settlement agreement speaks for itself.

46. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 46. To the extent any further response is required, CVS denies the allegations.

47. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 47. To the extent any further response is required, CVS denies the allegations.

48. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 48. To the extent any further response is required, CVS denies the allegations.

49. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 49. To the extent any further response is required, CVS denies the allegations.

50. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 50. To the extent any further response is required, CVS denies the allegations.

51. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 51. To the extent any further response is required, CVS denies the allegations.

52. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 52. To the extent any further response is required, CVS denies the allegations.

53. CVS denies the allegations in paragraph 53 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 53. To the extent any further response is required, CVS denies the allegations.

54. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 54. To the extent any further response is required, CVS denies the allegations.

55. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 55. To the extent any further response is required, CVS denies the allegations.

56. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 56. To the extent any further response is required, CVS denies the allegations.

57. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 57. To the extent any further response is required, CVS denies the allegations.

58. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 58. To the extent any further response is required, CVS denies the allegations.

59. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 59. To the extent any further response is required, CVS denies the allegations.

60. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 60. To the extent any further response is required, CVS denies the allegations.

61. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 61. To the extent any further response is required, CVS denies the allegations.

62. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 62. To the extent any further response is required, CVS denies the allegations.

63. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 63. To the extent any further response is required, CVS denies the allegations.

64. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 64. To the extent any further response is required, CVS denies the allegations.

65. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 65. To the extent any further response is required, CVS denies the allegations.

66. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 66. To the extent any further response is required, CVS denies the allegations.

67. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 67. To the extent any further response is required, CVS denies the allegations.

68. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 68. To the extent any further response is required, CVS denies the allegations.

69. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 69. To the extent any further response is required, CVS denies the allegations.

70. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 70. To the extent any further response is required, CVS denies the allegations.

71. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 71. To the extent any further response is required, CVS denies the allegations.

72. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 72. To the extent any further response is required, CVS denies the allegations.

73. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 73. To the extent any further response is required, CVS denies the allegations.

74. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 74. To the extent any further response is required, CVS denies the allegations.

75. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 75. To the extent any further response is required, CVS denies the allegations.

76. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 76. To the extent any further response is required, CVS denies the allegations.

77. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 77. To the extent any further response is required, CVS denies the allegations.

78. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 78. To the extent any further response is required, CVS denies the allegations.

79. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 79. To the extent any further response is required, CVS denies the allegations.

80. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 80. To the extent any further response is required, CVS denies the allegations.

81. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 81. To the extent any further response is required, CVS denies the allegations.

82. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 82. To the extent any further response is required, CVS denies the allegations.

83. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 83. To the extent any further response is required, CVS denies the allegations.

84. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 84. To the extent any further response is required, CVS denies the allegations.



85. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 85. To the extent any further response is required, CVS denies the allegations.

86. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 86. To the extent any further response is required, CVS denies the allegations.

87. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 87. To the extent any further response is required, CVS denies the allegations.

88. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 88. To the extent any further response is required, CVS denies the allegations.

89. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 89. To the extent any further response is required, CVS denies the allegations.

90. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 90. To the extent any further response is required, CVS denies the allegations.

91. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 91. To the extent any further response is required, CVS denies the allegations.

92. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 92. To the extent any further response is required, CVS denies the allegations.

93. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 93. To the extent any further response is required, CVS denies the allegations.

94. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 94. To the extent any further response is required, CVS denies the allegations.

95. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 95. To the extent any further response is required, CVS denies the allegations.

96. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 96. To the extent any further response is required, CVS denies the allegations.

97. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 97. To the extent any further response is required, CVS denies the allegations.

98. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 98. To the extent any further response is required, CVS denies the allegations.

99. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 99. To the extent any further response is required, CVS denies the allegations.

100. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 100. To the extent any further response is required, CVS denies the allegations.

101. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 101. To the extent any further response is required, CVS denies the allegations.

102. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 102. To the extent any further response is required, CVS denies the allegations.

103. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 103. To the extent any further response is required, CVS denies the allegations.

104. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 104. To the extent any further response is required, CVS denies the allegations.

105. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 105. To the extent any further response is required, CVS denies the allegations.

106. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 106. To the extent any further response is required, CVS denies the allegations.

107. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 107. To the extent any further response is required, CVS denies the allegations.

108. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 108. To the extent any further response is required, CVS denies the allegations.

109. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 109. To the extent any further response is required, CVS denies the allegations.

110. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 110. To the extent any further response is required, CVS denies the allegations.

111. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 111. To the extent any further response is required, CVS denies the allegations.

112. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 112. To the extent any further response is required, CVS denies the allegations.

113. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 113. To the extent any further response is required, CVS denies the allegations.

114. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 114. To the extent any further response is required, CVS denies the allegations.

115. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 115. To the extent any further response is required, CVS denies the allegations.

116. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 116. To the extent any further response is required, CVS denies the allegations.

117. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 117. To the extent any further response is required, CVS denies the allegations.

#### **THE SIXTH CLAIM FOR RELIEF**

118. In response to paragraph 118, CVS incorporates by reference its responses to the allegations within all prior paragraphs.

119. The allegations in paragraph 119 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

120. The allegations in paragraph 120 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

121. The allegations in paragraph 121 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

122. The allegations in paragraph 122 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

123. The allegations in paragraph 123 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

124. The allegations in paragraph 124 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

125. The allegations in paragraph 125 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

126. The allegations in paragraph 126 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

127. The allegations in paragraph 127 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

128. The allegations in paragraph 128 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

129. The allegations in paragraph 129 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

130. The allegations in paragraph 130 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

131. The allegations in paragraph 131 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

132. The allegations in paragraph 132 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

133. The allegations in paragraph 133 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

134. The allegations in paragraph 134 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

135. The allegations in paragraph 135 are alleged against the Marketing Defendants only, and thus no response from CVS is required. To the extent any further response is required, CVS denies the allegations.

136. The allegations in paragraph 136 are alleged against the Marketing Defendants only, and thus no response from CVS is required. To the extent any further response is required, CVS denies the allegations.

137. The allegations in paragraph 137 are alleged against the Marketing Defendants only, and thus no response from CVS is required. To the extent any further response is required, CVS denies the allegations.

138. The allegations in paragraph 138 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

139. CVS denies the allegations in paragraph 139 insofar as alleged against it except to admit that certain CVS distribution centers are licensed with DEA to distribute Schedule III, IV, and V controlled substances and that CVS Pharmacy retail stores are licensed with DEA to dispense Schedule II, III, IV, and V controlled substances. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 139. To the extent any further response is required, CVS denies the allegations.



140. The allegations in paragraph 140 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

141. The allegations in paragraph 141 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

142. The allegations in paragraph 142 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

143. The allegations in paragraph 143 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

144. The allegations in paragraph 144 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

145. The allegations in paragraph 145 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

146. The allegations in paragraph 146 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

147. The allegations in paragraph 147 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

148. The allegations in paragraph 148 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

149. The allegations in paragraph 149 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

150. The allegations in paragraph 150 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

151. The allegations in paragraph 151 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

152. The allegations in paragraph 152 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

153. The allegations in paragraph 153 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

154. The allegations in paragraph 154 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

155. The allegations in paragraph 155 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

156. The allegations in paragraph 156 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

157. The allegations in paragraph 157 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

158. The allegations in paragraph 158 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

159. The allegations in paragraph 159 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to any cited statutes or regulations for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

160. The allegations in paragraph 160 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

**AFFIRMATIVE DEFENSES**

CVS incorporates by reference in full its affirmative defenses to all prior complaints, including its affirmative defenses to the Corrected Second Amended Complaint in the *County of Summit, Ohio v. Purdue Pharma L.P.*, No. 18-op-45090, Dkt. No. 1250.

**DEMAND FOR JURY TRIAL**

CVS hereby demands a jury trial as to all issues or claims for which a jury trial is allowed.

**PRAYER FOR RELIEF**

CVS prays that (a) judgment be entered dismissing Plaintiff's Complaint with prejudice, and (b) this Court grant it such other relief as it deems just and appropriate including costs and reasonable attorney's fees.

Date: December 23, 2019

Respectfully submitted,

/s/ Eric R. Delinsky  
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